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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Pool, et al.

Atty Docket: 2547/101

Serial No.: 08/999,297

Art Unit: 2164

Date Filed: 12/29/97

Examiner: Akers

Invention: Universal Shopping Center
for International Operation

Date: January 3, 2001

Commissioner for Patents
Washington, DC 20231SUPPLEMENTAL DECLARATION OF ED POOL
IN SUPPORT OF APPLICANTS' RESPONSE
[37 C.F.R. § 1.132]

Dear Sir:

1. In connection with a response to the Office Action mailed October 18, 2001 in the above-reference matter, I, Ed Pool, hereby declare as follows:

2. This declaration is in supplement to my declaration of April 18, 2001 ("my Prior Declaration") filed herein in connection with the response to the Office Action of January 19, 2001. I am one of the inventors of the subject matter that is the subject of the above-referenced patent application and am an international trade specialist with more than 20 years experience in handling sales, logistics, and payment vehicles. My further credentials are set forth in my Prior Declaration.

3. I have reviewed the Office Action mailed October 18, 2001, and have further considered the statements by the Examiner regarding "invoice," "commercial invoice," and "electronic title." As I discussed in detail in my Prior Declaration, "commercial invoice" is necessary but not always sufficient documentation to establish

title in an international transaction, and "commercial invoice" is a term of art in international trade transactions.

4. What may not have been clear to the Examiner in my Prior Declaration is that anyone of ordinary skill in the field of international trade transactions knows the fundamental terms described in the *Guide to Incoterms* (that is reference AH in this proceeding). No person of ordinary skill in the field of the invention, reading the present application, would fail to understand that "commercial invoice" has the meaning I explained in my Prior Declaration, namely that it is always required for title in an international trade transaction, but in many international trade transactions, more documents are also required. (As previously explained, only an Ex Works contract requires the seller to produce nothing more than a commercial invoice.)

5. I hereby declare that all statements made herein are of my own knowledge and that all statements made on information and belief are true; and further that these statements are being made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


ED POOL

Dated: January 3, 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Pool, et al.

Atty Docket: 2547/101

Serial No.: 08/999,297

Art Unit: 2164

Date Filed: 12/29/97

Examiner: Akers

Invention: Universal Shopping Center
for International Operation

Date: January 3, 2002

Commissioner for Patents
Washington, DC 20231

**SUPPLEMENTAL DECLARATION OF HUGO G. BLASDEL
IN SUPPORT OF APPLICANTS' RESPONSE
[37 C.F.R. § 1.132]**

Dear Sir:

In connection with a response to the Office Action mailed October 18, 2001 in the above-reference matter, I, Hugo G. Blasdel, hereby declare as follows:

1. This declaration is in supplement to my declaration of April 18, 2001 ("my Prior Declaration") filed herein in connection with the response to the Office Action of January 19, 2001. I have extensive experience in computers and in particular in the creation of software addressing issues of international trade for U.S. exporters. I have served as an advisor to U.S. Customs on the development of their new Automated Export System and have consulted extensively on a national and international basis in computerization of international trade matters. My further credentials are set forth in the Prior Declaration.

2. I am familiar with the subject matter of the present application and I have reviewed the rejection of the pending claims 1-17 in the present application by the

Examiner in the Office Action (the "Office Action") mailed October 18, 2001, along with the reference art cited by the Examiner.

3. As a result of my experience, I am familiar with the level of skill and knowledge of a person of ordinary skill in the field of the invention defined by the pending claims. I am informed by counsel for the applicant that, as a matter of law, the application must be interpreted in a manner consistent with the interpretation that would be given to the application by a person of ordinary skill in the field of invention, which field is computer-assisted processing of international trade transactions. Such a person would be quite familiar with the terms and concepts in the *Guide to Incoterms* published by the International Chamber of Commerce, Paris, France (and of which I am informed the 1990 version has been filed as reference AH in this proceeding), because these terms are very widely used to define the nature of international trade transactions.

4. In particular, I have considered the contention of the Examiner on page 3 of the Office Action that "The Specification as originally filed equates electronic title with commercial invoice and does not state that the electronic title includes a commercial invoice. Thus, the Specification as originally filed states $A=B$. The applicant's affidavit states B is contained in A ($B < A$). Thus applicant's claim states that the electronic title includes data from the commercial invoice is considered new matter."

5. In my opinion, the thrust of the Examiner's contention is incorrect, in that the Specification as filed does not equate electronic title with commercial invoice. The application as filed discusses on page 27 operation of the "system of the present invention to generate an electronic title (step 165) also referred to as a commercial invoice." These words are not uttered in a vacuum, and a person of ordinary skill in the field of computer-

assisted processing of international trade transactions would understand the words of the application in the context of the *Guide to Incoterms*.

6. No one of ordinary skill in the field of the claimed invention would understand the application in the sense urged by the Examiner, because all those of ordinary skill in this field know that the documentation necessary for an international transaction (which will define the title conveyed to the buyer) depends in each case on the particular terms used by the parties to define the transaction. Indeed, the *Guide to Incoterms* is itself a compilation of those terms and sets forth the documentation required in each type of transaction. A "CIF" transaction ("Cost, Insurance and Freight") is shown in the *Incoterms* book to require documents as follows: commercial invoice, transport document, export license, and insurance policy. (See p. 86 of reference AH.) Note that the *Incoterms* book on the same page suggests that these documents might be satisfied by EDI (electronic) messages (see also page 8 and following), and the presence of the word "electronic" in the application before the word "title" is fully comprehensible to a person of ordinary skill in the field of invention as meaning the documents constituting title can be in electronic form.

7. In contrast to a CIF transaction is a transaction that is "EXW" ("Ex Works"). Such a transaction requires the seller to produce but a single document, the commercial invoice. (See p. 42 of reference AH.) Therefore the documents necessary to establish title depend entirely on how the transaction has been characterized by the parties; the minimum documentation needed is the commercial invoice (for an EXW contract), but other types of transactions, such as CIF transactions, for example, require considerable additional documentation. These considerations are known to a person of

ordinary skill in the field of the present invention. No person of ordinary skill in the art would think on reading the application that electronic title is the same thing as commercial invoice. For these reasons, the application is clear to a person of ordinary skill in the art and the claims presented for examination are completely consistent with the understanding of the application by a person of ordinary skill in the field of invention. There is no "new matter" introduced by the claims now presented for examination.

8. I have considered the Examiner's comments relating to the analysis presented in my Prior Declaration of prior art cited by the Examiner, and the Examiner's comments reflect a flawed understanding of the references. The Examiner on the top of page 11 claims that a reader of ordinary skill in the art of Schell "would note that Schell provides a system that facilitates translation of an *international transaction*...." (emphasis mine). However, the reference to "international transaction" is fictitious. Schell never says such a thing, because, as I said in my Prior Declaration, Schell describes a system being used for domestic transactions, albeit in a range of countries. A key giveaway of the domestic nature of the Schell system is that (even though Schell provides an extensive listing of program components in the next to last column) there is no reference to a commercial invoice, which, as I have said and shown above, is a minimum requirement for title in an international transaction. (And as I have explained, transactions that go beyond "Ex Works" require additional documentation for title.)

9. Nor, for similar reasons, does Cahn bear on implementation of international transactions in the manner addressed by the present invention, because EDI described by Cahn is merely an electronic messaging system. In this connection, I stand by my prior comments. The Examiner is incorrect to say that "EDI generates the data". It

is a messaging system, not a data generator. The fact that various documents may be transmitted in an electronic format adds nothing to the record, and in this respect is merely cumulative with the *Guide to Incoterms*. Moreover, as I said in my Prior Declaration, the reference to "electronic invoices" in connection with financial applications has the same problems discussed above in connection with Schell; an "electronic invoice" has nothing to do with a commercial invoice used in international transactions.

10. In sum, I find nothing in the Schell or Cahn references alone or in combination that would suggest the approach for dealing with international transactions taken by the invention that is claimed in this proceeding. And reading the application as teaching the equivalence of electronic title and commercial invoice is nothing that would be done by a person of ordinary skill in the field of the invention.

11. I hereby declare that all statements made herein are of my own knowledge and that all statements made on information and belief are true; and further that these statements are being made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


HUGO G. BLASDEL

Dated: January 2, 2002

02547/00101 186181.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Pool, et al.

Atty Docket: 2547/101

Serial No.: 08/999,297

Art Unit: 2164

Date Filed: 12/29/97

Examiner: Akers

Invention: Universal Shopping Center
for International Operation

Date: April 11, 2002

Commissioner for Patents
Washington, DC 20231SECOND SUPPLEMENTAL DECLARATION OF ED POOL
[37 C.F.R. § 1.131]

Dear Sir:

1. I, Ed Pool, hereby declare as follows:

2. I am one of the inventors of the subject matter that is the subject of the above-referenced patent application and am an international trade specialist with more than 20 years experience in handling sales, logistics, and payment vehicles. Certain prior art has been made of record, and this prior art is dated not earlier than May, 1996. The present declaration is intended to show that the subject matter of various claims pending herein, including claims 21-37, were invented prior to May, 1996 (the "Critical Date").

3. Accompanying this declaration as Exhibit A are a series of printouts of pages of a preliminary test web site that I had operational prior to the Critical Date. In the interest of efficiency and speed, I printed the pages of Exhibit A from a current test version of the web site, and although these pages bear a copyright notice dated "1995, 1996, 1997, 1998, 1999", in fact the web site was, as stated, under preliminary test operation prior to the Critical Date. Indeed, I have in my possession a master file backup